

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANILESH AHUJA and JEREMY SHOR,
Defendants.

18 Cr. 328 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

At the conference held yesterday afternoon, July 3, 2019, the Court reserved decision on the application of Defendant Jeremy Shor for the introduction, pursuant to Federal Rule of Evidence 613, of certain portions of an FBI Form FD-302 reflecting an August 24, 2017 interview of James Nimberg (the “Nimberg 302”). Mr. Shor’s application is denied. While the two sentences that were called to the Court’s attention may appear, at first blush, to be inconsistent with the identified portions of Mr. Nimberg’s trial testimony, they are not inconsistent — even under the expansive standard adopted by the Second Circuit, *see, e.g., United States v. Preldakaj*, 456 F. App’x 56, 58 (2d Cir. 2012) (summary order) — when read together with the remainder of the Nimberg 302, including, in particular, the statements of Mr. Nimberg memorialized on pages 7 through 13.

SO ORDERED.

Dated: July 4, 2019
New York, New York



KATHERINE POLK FAILLA
United States District Judge